

United States District Court Southern District of Texas

Case Number: 05CV1847

ATTACHMENT

Description:

☐ State Court Record ☒ State Court Record Continued

☐ Administrative Record

☒ Document continued - Part 5 of _____

☐ Exhibit to: _____
number(s) / letter(s) _____

Other: _____

IV.


A subpoena for production of documents is also quashable when the Requesting Party fails to satisfy the requisite test for production of such documents. "[I]n order to require production prior to trial, the moving party must show: (1) that the documents are evidentiary and relevant; (2) that they are not otherwise procurable reasonably in advance of trial by exercise of due diligence; (3) that the party cannot properly prepare for trial and that the failure to obtain such inspection may tend unreasonably to delay the trial; and (4) that the application is made in good faith and is not intended as a general 'fishing expedition.'" United States v. Nixon, 418 U.S. 683, 699-700, 94 S.Ct. 3090, 3103 (1974); see also United States v. Bearden, 423 F.2d 805, 810 (5th Cir. 1970). Unless the parties in this case make such a showing, the subpoena duces tecum must be quashed.

V.

In the alternative, the Texas Department of Criminal Justice, Pardons and Paroles Division would request that this Court examine the records in camera, after the Requesting Party has satisfied the Nixon test, and turn over to the Requesting Party only those portions of the records it deems relevant. See e.g., Pennsylvania v. Ritchie, 480 U.S. 39, 107 S.Ct. 989 (1987); see also United States v. Nixon, 777 F.2d 958 (5th Cir. 1985). In Ritchie, the Court deemed an in camera inspection conducive to a proper balancing of a criminal defendant's interest in a fair trial and the State of Pennsylvania's interest in preserving the confidentiality of its child abuse

CERTIFICATE OF SERVICE

I, WILLIAM R. HUBBARTH, Staff Counsel, Texas Department of Criminal Justice, Pardons and Paroles Division, do hereby certify that one true and correct copy of the above and foregoing Motion to Quash Subpoena or, in the Alternative, to Allow In Camera Inspection Only of Confidential Subpoenaed Records has been served by U.S. Mail Service, to Elsa R. Alcala, Assistant District Attorney, 201 Fannin Street, Suite 200, Houston, Texas 77002-1901 (713) 755-6916 this the 17th day of February, 1994.


WILLIAM R. HUBBARTH
Staff Counsel

IN THE 178th DISTRICT COURT OF
HARRIS COUNTY, TEXAS

THE STATE OF TEXAS X
 X
 X
VS. X NO. 653189
 X
GERALD CORNELIUS ELDRIDGE X

ORDER

Be it remembered on this _____ day of _____,
1994, came on to be heard Movant's Motion to Quash Subpoena or,
in the Alternative, to Allow in Camera Inspection Only of
Confidential Subpoenaed Records, and the Court after considering
the pleadings of the parties filed herein, is of the opinion
that the following order should issue:

(1) It is hereby ORDERED, ADJUDGED, and DECREED that
Movant's Motion to Quash Subpoena be, and it is hereby
_____.

(2) It is hereby ORDERED, ADJUDGED, and DECREED that
Movant's Motion, in the Alternative, to Allow In Camera
Inspection Only of Confidential Subpoenaed Records be, and it is
hereby _____.

SIGNED and ENTERED on this the _____ day of _____,
1994, at _____, Texas.

DISTRICT JUDGE

William R. Hubbard, Staff Counsel
Texas Department of Criminal Justice
Pardons and Paroles Division
8610 Shoal Creek Blvd.
P. O. Box 13401, Capitol Station
Austin, Texas 78711

OFFICIAL BUSINESS
STATE OF TEXAS



Katherine Tyra
District Clerk
178th District Court
P. O. Box 4651
Houston, Texas 77210

IV.
The Court Should Appoint a New Counsel to Act in
behalf of the Defendant in order that he is Assured the
Reasonably Effective Assistance of Counsel that he is
Entitled to.

Wherefore, Premises Considered, Defendant prays
that this Court Dismiss Crawford As Defendant's
Counsel and ~~Appoint a New~~ Counsel to Act in Behalf of
Defendant.

APR 12 1994

Time: 10:10 AM

Harris County, Texas

By [Signature]

Deputy

Gerald C. Eldridge
Defendant Prose

"I, Gerald Cornelius Eldridge, # 651025
from the Harris County Jail, Harris County, Texas,
Declare under Penalty of perjury that the foregoing is
True And Correct."

Executed on April 4, 1994 Gerald C. Eldridge
Defendant

Order

On this 12 day of April, 1994, Came to Be
heard Defendant's Motion To Dismiss Court Appointed Attorney
And Appoint New Counsel To Act On Behalf of Defendant,
And After Due Consideration, it is the Decision of this Court
that this Motion be:

Granted

Denied

[Signature]
Judge Presiding

RECORDER'S-MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filing.

the Law Guaranteed him by the Fourteenth Amendment to the United States Constitution.

III.

The Defendant would further Show the Court that he has Attached a Written Order, for the Court's Convenience, to all Written Motions filed before this Court.

IV.

This Motion is Not a Request For the Court to make Written Findings of Fact And Conclusions of Law on All written Motions filed by the Defendant.

Prayer

Wherefore, Premises Considered, the Defendant Respectfully Prays the Court Grant this Motion in All things, And thereby make a Written Ruling on Any And All Motions filed before said Court on behalf of said Defendant in Order to Ensure that An Appellate Court Can Identify each Specific Ruling on each Particular Motion, thereby Guaranteeing that the Defendant Will Recieved Adequate Appellate Review of each of the Said Afore mentioned Rulings Made by this Court, Should An Appeal become Necessary.

FILED

KATHERINE TYRA
District Clerk

APR 12 1994

Time:

Harris County, Texas

By

Deputy

Respectfully Submitted,
Gerald C. Eldridge
Defendant

VI-1204
P-01241

04/18/99

OFFENSE: Capital murder

CAUSE NO. 653189
COUNT NO. 1

THE STATE OF TEXAS

IN THE 178 DISTRICT COURT

VS. Gerald Eldridge

OF

HARRIS COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- ☐ The Defendant was convicted in another case or count.
- ☐ In custody elsewhere.
- ☐ Old case, no arrest.
- ☐ Missing witness.
- ☐ Request of complaining witness.
- ☐ Motion to suppress granted.
- ☐ Co-Defendant tried, this Defendant testify.
- ☐ Insufficient evidence.
- ☐ Co-Defendant convicted, insufficient evidence this Defendant.
- ☒ Case refiled.
- ☐ Other.

9403201

EXPLANATION:

FILED
KATHERINE TYRA
District Clerk

APR 19 1994

Time: 9:45A
Harris County, Texas
By: B. M. [Signature]
Deputy

RECORDER'S MEMORANDUM:
This instrument is of poor quality and not satisfactory for photographic recordation; and/or alterations were present at the time of filming.

WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,

Elsa Alcala

Assistant District Attorney
Harris County, Texas

ORDER

The foregoing motion having been presented to me on this the 19 day of April, A.D. 1994, and the same having been considered, it is, therefore, ORDERED, ADJUDGED and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

[Signature]
JUDGE

178 DISTRICT COURT
HARRIS COUNTY, TEXAS

000062

V 1203 P 0781

OCT. 4 1968

THE DEFENDANT. Edwight APPEARS
IN PERSON WITH COUNSEL. James L. M. Ford

12-6-43

~~12-6-43~~ 12-13-44 JRM

12-10-43

~~12-10-43~~ 12-14-43 JRM

APR. 19 1964 STATE'S MOTION TO DISMISS FILED AND GRANTED.

147299572

CAUSE NO. 674934

THE STATE OF TEXAS

I

IN THE 178th DISTRICT COURT

VS.

I

OF

GERALD EIDRIDGE

I

HARRIS COUNTY, TEXAS

DEFENDANT

MOTION FOR PSYCHIATRIC EXAMINATION: SANITY

Now Comes, The State of Texas, by and through it's Assistant District Attorney, and/or the undersigned Attorney for the above-named defendant, and moves this Court to order that the Harris County Forensic Psychiatric Services conduct a psychiatric examination to determine the defendant's sanity at the time of the offense pursuant to Art. 46.03, Texas Code of Criminal Procedure.

The defendant is charged by indictment/information with the felony offense of CAPITAL MURDER alleged to have been committed on the 4th day of January, 1993.

This motion for an examination is requested for the following reasons;

The Defense has filed notice of Insanity. Defendant needs to be seen to update his mental status for purposes of trial.

Wherefore, premises considered, the State of Texas prays that this motion be granted.

ATTORNEY FOR THE DEFENDANT

Donna Goode
ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

DATE

9, 28, 93

FILED
KATHERINE TYRA
District Clerk

SEP 28 1993

Time: 10:30
By: [Signature]
Deputy

147299622

IN THE 178 DISTRICT COURT

VS.

OF

HARRIS COUNTY, TEXAS

MOTION FOR PSYCHIATRIC EXAMINATION: COMPETENCY

NOW Comes, The State of Texas, by and through it's Assistant District Attorney, and/or the undersigned Attorney for the above-named defendant, and moves this Court to order that the Harris County Forensic Psychiatric Services conduct a psychiatric examination to determine the defendant's present competency to stand trial pursuant to Art. 46.02, Texas Code of Criminal Procedure.

The defendant is charged by indictment/information with the felony offense of CAPITAL MURDER alleged to have been committed on the 4th day of January, 1993.

This motion for an examination is requested for the following reasons;

The Defense has filed notice of Insanity. Defendant needs to be seen to update his mental status for purposes of trial.

Wherefore, premises considered, the State of Texas prays that this motion be granted.

ATTORNEY FOR THE DEFENDANT

Donna E. Gode
ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

9, 28, 93
DATE

FILED
KATHERINE TYRA
District Clerk

SEP 28 1993

Time: 10:50
Harris County, Texas
By: [Signature] Deputy

WRIT TO SERVE COPY OF VENIREMEN FOR THE WEEK BEGINNING
OCTOBER 4, 1993

FILED: OCTOBER 2, 1993

501 / 3A00 *SPN 15P 25*

16/R14/998 J/m

NO. 674934

THE STATE OF TEXAS
COUNTY OF HARRIS

IN THE 178TH DISTRICT COURT
AUGUST TERM, A.D. 19 93

THE STATE OF TEXAS

To the Sheriff of Harris County, Greetings:

YOU ARE HEREBY COMMANDED to deliver forthwith to GERALD CORNELIUS ELDRIDGE

_____ in person, the
accompanying Certified Copy of the list of persons to serve as Veniremen, for the
week beginning October 4, A.D. 19 93 and including persons
summoned as Veniremen for October 4, A.D. 19 93 through
October 8, A.D. 19 93, and being set for trial on the docket
of said Court in Cause No. 674934 wherein THE STATE OF TEXAS is
Plaintiff and GERALD CORNELIUS ELDRIDGE
is defendant.

Herein Fail Not, but of this Writ make due return, showing how you have
executed the same.

WITNESS my hand and seal of office, at Houston Texas, this 30TH day of
SEPTEMBER, A.D. 19 93.

KATHERINE TYRA, DISTRICT CLERK
HARRIS COUNTY, TEXAS

By: *R. Knealy*, Deputy

SHERIFF'S RETURN

Came to hand 30 day of September 19 93 and executed 30 day of
September, 19 93. By delivering to Gerald Cornelius Eldridge
defendant, a certified copy of Veniremen, accompanied this writ. the within named

Johnny Klevenhagen, Sheriff
Harris County, Texas

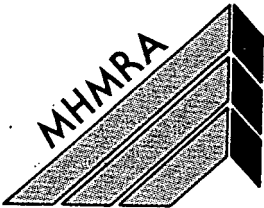
By: *AS Rialt, Sgt.*, Deputy

FILED
KATHERINE TYRA
DISTRICT CLERK
HARRIS COUNTY, TEXAS

93 OCT 12 AM 5:06
BY *James*
DEPUTY

SANITY EVALUATION

FILED: OCTOBER 18, 1993



The Mental Health and Mental Retardation Authority for Harris County

FORENSIC PSYCHIATRIC SERVICES

3rd Floor, Harris County Jail ★ 1301 Franklin
Houston, Texas ★ 77002

Administration:
(713) 755-7241

Forensic Service:
(713) 755-6904

October 13, 1993

Honorable William Harmon
Judge 178th District Court
Harris County, Texas

Re: Gerald Eldridge (Cause# 674934)-Sanity Evaluation

Dear Judge Harmon:

The defendant is a 29 year old black male who was seen for evaluation on October 13, 1993. The defendant was told the purpose of the evaluation at the beginning of the interview and was also told about his right to refuse to answer questions. Although the evaluation did not proceed as usual, it is beleived that sufficient information was obtained to justify the conclusions in this report and fulfill the requirements of the court order.

The defendant was seen for evaluation on the third floor of the Central Jail building where he is currently an inpatient on the Harris County Jail Psychiatric Treatment Unit. The defendant's current presentation as well as the information obtained from the psychiatry unit staff and records revealed the defendant to be malingering and essentially uncooperative. Consequently, he did not provide any information about his behavior and thinking that occurred on or about the time the alleged offense took place.

In addition to the defendant's own statements, the police offense report was reviewed. This report does not reveal any behavior or statement made by the defendant during the period of time in question that would suggest that he might be suffering from a severe mental illness or mental defect. It also appears that the defendant was aware of the difference between right and wrong during this time.

COMPETENCY EVALUATION

FILED: OCTOBER 18, 1993



The Mental Health and Mental Retardation Authority for Harris County

FORENSIC PSYCHIATRIC SERVICES

3rd Floor, Harris County Jail ★ 1301 Franklin
Houston, Texas ★ 77002

Administration:
(713) 755-7241

Forensic Service:
(713) 755-6904

October 13, 1993

Honorable William Harmon
Judge 178th District Court
Harris County, Texas

Re: Gerald Eldridge (Cause# 674934)-Competency Evaluation

Dear Judge Harmon:

The defendant is a 29 year old black male who was seen for evaluation on October 13, 1993. The defendant was told the purpose of the evaluation at the beginning of the interview and was also told about his right to refuse to answer questions. Although the evaluation did not proceed as usual, it is beleived that sufficient information was obtained to justify the conclusions in this report and fulfill the requirements of the court order.

The defendant was seen for evaluation on the third floor of the Central Jail building where he is currently an inpatient on the Harris County Jail Psychiatric Treatment Unit. The defendant was admitted to the unit for observation at the request of Dr. Edward Silverman who has also seen the defendant for evaluation. The records reviewed indicate that Dr. Silvermann first saw the defendant on January 25, 1993 and considered him to be malingering or feigning mental illness. Dr. Silverman saw the defendant again on September 30, 1993 and requested a second opinion.

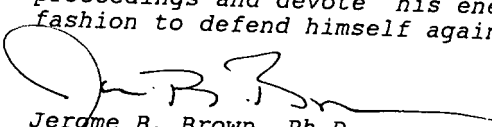
When seen by this examiner, the defendant was presented as a well-groomed and well-nourished individual appropriately dressed in a standard jail uniform. Although he was compliant in coming to the interview room and sitting down, he quickly began demonstrating unusual behaviors. These behaviors worsened and changed over time during the evaluation session. For example, he began to shake both of his legs, then would stop for a awhile, then would shake one leg, and then the other leg. At other times he would hold his head in his hands and would appear to be crying or sobbing, but very few tears were seen. Toward the end of the interview he then began scratching his head so hard that he drew blood. As the interview was terminated the defendant refused to leave the interview room. It was necessary to call the

Re: Gerald Eld. lge

Competency Evaluation

Based upon the current information available, it is this examiner's opinion that the defendant continues to feign mental illness and is thereby attempting to manipulate the outcome of the current proceedings against him. It is noted that the defendant is charged with a serious criminal offense that could involve his receiving the death penalty. Consequently, his motivation to fake mental illness in order to avoid the consequences of his current legal situation is very high. The defendant's current presentation is not consistent with any known psychosis or severe mental illness.

In this examiner's opinion this defendant should be considered COMPETENT to stand trial. He is deliberately attempting to portray himself as mentally ill and consequently avoid the proceedings that are taking place against him. Because of the defendant's awareness of and the reasons for his malingering, it is believed that he has the ability to assist his attorney with a reasonable degree of rational understanding. It is also believed that he has a rational as well as factual understanding of the proceedings taking place. If the defendant decided to cooperate, it is believed that he would have no significant trouble participating in the preparation of a defense. It is recommended that the defendant be confronted with this information and be urged to change his attitude about the evaluation and the court proceedings and devote his energy and time in an appropriate fashion to defend himself against the current charges.


Jerome B. Brown, Ph.D.
Clinical Psychologist

JBB:jk

FILED

KATHERINE TYRA
District Clerk

OCT 13 1993

Time: 2:18 PM
Harris County, Texas
By: [Signature]
Deputy

CAUSE NO. 674934
PSYCHOLOGICAL EXAMINATION
PAGE NO. 2

WHEREFORE, PREMISES CONSIDERED, the Defendant respectfully prays that this Motion be in all things granted, and that the Court issue an Order permitting the Defendant to be examined in the Harris County Jail by the psychologist.

FILED
KATHERINE TYRA
District Clerk

OCT 22 1993

Time: 11:25
Harris County, Texas

By [Signature]
Deputy

Respectfully submitted,

Danise M. Crawford
DANISE M. CRAWFORD
TBN 05020150
1600 Smith, Suite 4120
Houston, Texas 77002
(713) 951-7500
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing instrument has been furnished to counsel for the State by hand delivery of copy of same this the 22 day of October, 1993.

Danise M. Crawford
DANISE M. CRAWFORD

Court Coordinator No. 2-A

CAUSE NO.

674934
653189

CHARGE

CAP. Murder
CAP. Murder

THE STATE OF TEXAS

178 DISTRICT COURT

VS.

OF HARRIS COUNTY, TEXAS.

Eldridge, Gerald
Defendant

AGREED SETTING

The undersigned Counsel hereby agrees this case is reset for

J. T. M. A.
(Type of Setting)

to

2-7-94 9:00AM
(Date)

Donna Goode
Attorney for the State

OFF DOCKET
Defendant

DENISE M. CRAWFORD
(Print) Attorney for Defendant

Denise M. Crawford
(Signature) Attorney for Defendant

1112 Southmore
(Street Address)

Houston Tx 77004
(City) (State) (Zip)

523-4050
(Phone Number)

05020150
(Bar Number)

OFF DOCKET

APPROVED BY THE COURT:

Judge Presiding

Date

FILED

KATHERINE TYRA
District Clerk

DEC - 6 1993

Time: 12 PM

Harris County, Texas

By [Signature]
Deputy

000080

CAUSE NO. 674934

THE STATE OF TEXAS \$ IN THE 178TH DISTRICT COURT
VS \$ OF
GERALD CORNELIUS ELDRIDGE \$ HARRIS COUNTY, T E X A S

STATE'S NOTICE OF INTENT TO USE AS EVIDENCE

BUSINESS RECORDS ACCOMPANIED BY AFFIDAVIT

COMES NOW THE STATE OF TEXAS by and through it's undersigned District Attorney and hereby gives notice pursuant to Texas Rules of Criminal Evidence 902 (10) of its intent to use as evidence business records accompanied by affidavit in the trial of the above styled and numbered cause(s). The records involved are the 187 pages of medical records from Herman Hospital. The name of the maker of the affidavit is Lisa Coleman employed by Herman Hospital. Said records and affidavit shall be on file with the Clerk of the Court on or before January 31, 1994 and available therefrom for inspection and copying.

FILED

KATHERINE TYRA
District Clerk

JAN 31 1994

Time: 9:30
Harris County, Texas

By: [Signature]

Respectfully Submitted,

Elsa Alcalá

Assistant District Attorney
178th District Court
Harris County

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been mailed to the following address: Denise Crawford, 1112 Southmore Blvd., Houston, Texas 77004.

Date: 1/29/94

Elsa Alcalá
Assistant District Attorney
178th District Court
Harris County, Texas

CAUSE NO. 674934

THE STATE OF TEXAS) (IN THE 178TH DISTRICT COURT
VS.) (OF
Gerald Cornelius Eldridge) (HARRIS COUNTY, TEXAS

NOTICE OF INTENTION TO USE CHILD ABUSE
VICTIM'S HEARSAY STATEMENT

Comes now the Undersigned Assistant District Attorney and files this Notice of Intention to Use a Child Abuse Victim's Hearsay Statement and would show to the Court the following:

1. Cause No. 674934 is presently pending in this Court and is set February 14, 1994 for Jury Trial.
2. Pursuant to section 38.072 of the Texas Code of Criminal Procedure the Undersigned Assistant District Attorney hereby gives notice to the Defendant and his counsel that the state intends to offer a hearsay statement of a child victim of abuse.
3. The witness's name through whom the state intends to offer the statement is Horace Bogany.
4. A summary of the statement is as follows:

The next day after the incident happened, complainant was taken to his grandfather's and after noticing marks, he asked complainant what happened. Complainant said the defendant hit him with his fist and with a belt.

FILED
KATHERINE TYRA
District Clerk

Respectfully submitted,

JAN 31 1994
Time: 9:30
Harris County, Texas
By: [Signature] Deputy

Elsa Alcalá
Assistant District Attorney
Harris County, Texas

A copy of the above Notice was sent certified to counsel for the defendant, Denise Crawford, at 1112 Southmore Blvd., Houston, Texas 77004 on this 28th day of January, 1994 by Lori A. Cox.

CAUSE NO. 674934

THE STATE OF TEXAS \$ IN THE 178TH DISTRICT COURT

VS \$ OF

GERALD CORNELIUS ELDRIDGE \$ HARRIS COUNTY, T E X A S

STATE'S NOTICE OF INTENT TO USE AS EVIDENCE

BUSINESS RECORDS ACCOMPANIED BY AFFIDAVIT

COMES NOW THE STATE OF TEXAS by and through it's undersigned District Attorney and hereby gives notice pursuant to Texas Rules of Criminal Evidence 902 (10) of its intent to use as evidence business records accompanied by affidavit in the trial of the above styled and numbered cause(s). The records involved are the 27 pages of medical records from Herman Hospital. The name of the maker of the affidavit is Lisa Coleman employed by Herman Hospital. Said records and affidavit shall be on file with the Clerk of the Court on or before January 31, 1994 and available therefrom for inspection and copying.

FILED
KATHERINE TYRA
District Clerk

Respectfully Submitted,

JAN 3 1 1994

Time: _____
 Harry County, Texas

By

CERTIFICATE OF SERVICE

Elsa Alcalá
Assistant District Attorney
178th District Court
Harris County

This is to certify that a copy of the foregoing instrument has been mailed to the following address: Denise Crawford, 1112 Southmore Blvd., Houston, Texas 77004.

Date: 1/28/94

Elise C. Calk
Assistant District Attorney
178th District Court
Harris County, Texas

Re: Gerald Eldridge

Sanity Evaluation

problems today." On October 31st, he was described as "behavior appropriate." On November 15th the defendant complained that "people were not listening to him." On December 9th, he was described as "dramatic, theatrical, inconsistent symptoms...auditory, visual, and tactile hallucinations (saw himself and his brother loading trucks)"...thought processes organized and goal-directed."

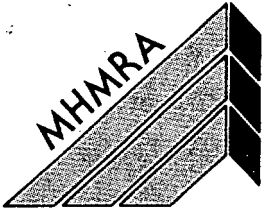
The psychiatric treatment notes from the same period of observation noted that the defendant had been seen for evaluation in January, 1993 through February, 1993 and was released from the unit as "no diagnosis of serious mental illness." The admission psychiatric note indicated that there were "strong malingering documented...no recent problems reported by jailers...no complaints of auditory hallucinations...no persecutory ideation." On October 6th the psychiatric note indicated that there were "no visual hallucinations reported...depressed and tearful at times." He was described on October 7th as "vague reporting (of symptoms)...kempt...says he cannot read." An October 13th psychiatric note indicates that the patient was "combative and agitated...clear and coherent." On October 21st he was seen as "no evidence of psychotic behavior...selectively mute." The November 11th note indicates that he "denied auditory and visual hallucinations...then said his brother visited him." On November 23rd, the defendant stated that "the woman in his head is burning candles" and this is why he is having headaches. On November 29th, he complained that his father was beating and drugging him while in his jail tank. On December 8th he was described as "reported visual hallucinations in detail...reported symptoms not typical of individual with a psychotic disorder." On January 6, 1994 the defendant stated that he does not know where he comes from, who his parents are, or who he is. He also stated that he does not know why he is in jail. He then complained that he "sees demons flying and snatching people." On February 8th, the defendant was discharged from the unit with the comment that he "has no place on a psychiatric unit."

When seen by this examiner, the defendant was initially quiet and subdued. He was seen for evaluation in an open jail tank area on the Psychiatric Treatment Unit and was brought there from general population where he is now placed. Upon being asked how he was doing, he stated "they keep moving me and moving me...I'm ready to go (home)." When asked why he was here, the defendant stated "I go to court and I don't make trouble...they said I should just sign the papers...the boss man, he hit me and said to sign the papers." When asked who the "boss man" was, the defendant indicated that it was one of the jail deputies, but acted as if he could not pronounce the word "badge" to indicate the "thing" on the man's chest above his pocket.

At this point the defendant stopped answering questions and only stated "I'm just tired...I will do whatever they want to do." He was then asked if he has been to court recently, and he stated

COMPETENCY EVALUATION

FILED: FEBRUARY 23, 1994



The Mental Health and Mental Retardation Authority for Harris County

FORENSIC PSYCHIATRIC SERVICES

3rd Floor, Harris County Jail * 1301 Franklin
Houston, Texas * 77002

Administration:
(713) 755-7241

Forensic Service:
(713) 755-6994
February 21, 1994

FILED

KATHERINE TYRA
District Clerk

FEB 23 1994

Time: *3:30*
Harris County, Texas

By: *[Signature]*
Deputy

Honorable William Harmon
Judge 178th District Court
Harris County, Texas

Re: Gerald Eldridge (Cause# 674934)-Follow-up Competency
Evaluation

Dear Judge Harmon:

The defendant is a 29 year old black male who was seen most recently for evaluation on February 18, 1994. The defendant has been seen previously by this examiner (October 13, 1993) at which time he was found to be malingering and otherwise competent to stand trial. Because of the defendant's current lack of cooperation, the usual warning given concerning the purpose of the evaluation and his right to refuse to answer questions was not provided to the defendant. In addition to the brief encounter with the defendant for interview, records from the Harris County Jail Psychiatric Treatment Unit were also reviewed. It is believed that the information obtained is satisfactory for the purposes of the court order even though the usual evaluation and clinical interview could not be conducted.

Records from the Harris County Jail Psychiatric Treatment Unit reveal that the defendant was admitted for observation on October 5, 1993. At that time he was complaining of having headaches, but was otherwise oriented in all spheres. On October 6, 1993 treatment notes indicate that the defendant had scratched his head until it bled and was transferred to the medical floor for attention to this. (This behavior was exhibited by the defendant with this examiner when he was first seen.) This behavior has not repeated itself since that time, however. On October 7th it was observed that his foot was shaking while he was lying in bed. (This behavior also has not been repeated since that time.) A staff review on that same day indicated that the defendant was starting to complain of hallucinations and refused to do psychological testing. On October 9th he was described as "pleasant and cooperative" and continued in this vein until October 19th. At that time he was considered as having "no psychotic symptoms...expressing some suspiciousness toward other inmates...stable condition." On October 21st, he was responding with "I don't know" to almost every question asked of him. On

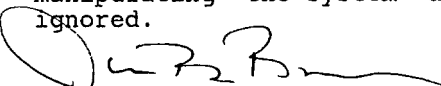
Re: Gerald Eldridge

Follow-up Competency Evaluation

At this point the defendant stopped answering questions and only stated "I'm just tired...I will do whatever they want to do." He was then asked if he has been to court recently, and he stated that he does not know. He then became more irritable and agitated and stated "I'm tired of all these questions" got up and left the room. Because of the defendant's history of combativeness and irritability, he was not pursued and attempts at further interviewing were not made.

At this point the defendant remains uncooperative, easily irritated, and angry. A period of observation on the Harris County Jail Psychiatric Treatment Unit that lasted four months did not reveal any consistent or significant mental illness. It was a consensus of all the staff members involved with this defendant that he is malingering and making up psychiatric symptoms. He does not maintain any symptoms consistently but instead, goes from one to another depending upon the day he is approached and questioned. Many of the behaviors claimed and complaints made by the defendant are not consistent with any known mental illness.

Based upon the current information available, the defendant is still considered COMPETENT to stand trial. Although he continues to attempt to feign mental illness and present himself as unable to understand what is taking place around him, it is believed these behaviors and this attitude is contrived and voluntarily created by the defendant in order to avoid the consequences of the serious charges against him. It is believed that the defendant would be able to assist his attorney with a reasonable degree of rational understanding if he wished to. He is also capable of forming a rational as well as factual understanding of the proceedings. It is recommended that the defendant be confronted with the opinions of the mental health professionals who have observed, interviewed, and worked with him about his malingering and the futility of continuing with this approach to his current legal situation. If he does not decide to cooperate it will be difficult to work with the defendant. Regardless, it is recommended that the proceedings against him be continued without further delay or disruption and that his attempts at manipulating the system and feigning psychiatric symptoms be ignored.


Jerome B. Brown, Ph.D.
Clinical Psychologist

JBB:jk

IV.
The Court Should Appoint a New Counsel to Act in
behalf of the Defendant in order that he is Assured the
Reasonably Effective Assistance of Counsel that he is
Entitled to.

Wherefore, Premises Considered, Defendant prays
that this Court Dismiss Crawford As Defendant's
Counsel and ~~Appoint~~ **FILED** a New Counsel to Act in Behalf of
Defendant.

APR 12 1994

Time:

Harris County, Texas

By:

Gerald C. Eldridge
Defendant Prose

66 I, Gerald Cornelius Eldridge, # 651025
from the Harris County Jail, Harris County, Texas,
Declare under Penalty of perjury that the foregoing is
True And Correct."

Executed on April 4, 1994

Gerald C. Eldridge
Defendant

Order
On this 12 day of April, 1994, Came to Be
heard Defendant's Motion To Dismiss Court Appointed Attorney
And Appoint New Counsel To Act On Behalf of Defendant,
And After Due Consideration, it is the Decision of this Court
that this Motion be:

Granted

Denied

W. Keenan Hume
Judge Presiding

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming.

the Law Guaranteed him by the Fourteenth Amendment to the United States Constitution.

III.

The Defendant would further Show the Court that he has Attached a Written Order, for the Court's Convenience, to all Written Motions filed before this Court.

IV.

This Motion is Not a Request For the Court to make Written Findings of fact And Conclusions of Law on All written Motions filed by the Defendant.

Prayer

Wherefore, Premises Considered, the Defendant Respectfully Prays the Court Grant this Motion in All things, And thereby make a Written Ruling on Any And All Motions filed before said Court on behalf of Said Defendant in Order to Ensure that An Appellate Court Can Identify each Specific Ruling on each Particular Motion, thereby Guaranteeing that the Defendant Will Recieve Adequate Appellate Review of each of the Said Afore mentioned Rulings Made by this Court, Should An Appeal become Necessary.

FILED

KATHERINE TYRA
District Clerk

APR 12 1994

Time:

Harris County, Texas

By

Deputy

Respectfully Submitted,
Gerald C. Eldridge
Defendant

V-1204 P-0141

OFFENSE: Capital Murder

CAUSE NO. 674934
COUNT NO. 1

THE STATE OF TEXAS

IN THE 178 DISTRICT COURT

VS.

OF

HARRIS COUNTY, TEXAS

MOTION TO DISMISS

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES the State of Texas by and through her District Attorney, and respectfully requests the Court to dismiss the above entitled and numbered criminal action for the following reason:

- ☐ The Defendant was convicted in another case or count.
- ☐ In custody elsewhere.
- ☐ Old case, no arrest.
- ☐ Missing witness.
- ☐ Request of complaining witness.
- ☐ Motion to suppress granted.
- ☐ Co-Defendant tried, this Defendant testify.
- ☐ Insufficient evidence.
- ☐ Co-Defendant convicted, insufficient evidence this Defendant.
- ☒ Case refiled.
- ☐ Other.

EXPLANATION:

9403201

FILED

KATHERINE TYRA
District Clerk

APR 19 1994

Time: 9:45A

Harris County, Texas

By B. Macale
Deputy

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming.

WHEREFORE, PREMISES CONSIDERED, it is requested that the above entitled and numbered cause be dismissed.

Respectfully submitted,

Elsa Alcala

Assistant District Attorney
Harris County, Texas

ORDER

The foregoing motion having been presented to me on this the 19 day of April,
A.D. 1994, and the same having been considered, it is, therefore, ORDERED, ADJUDGED and DECREED that said
above entitled and numbered cause be and the same is hereby dismissed.

JUDGE

178

DISTRICT COURT

HARRIS COUNTY, TEXAS

000098

V1203 P0780

WRIT TO SERVE COPY OF VENIREMEN FOR THE WEEK BEGINNING
FEBRUARY 18, 1994

FILED: FEBRUARY 15, 1994

16269972

NO. 9403201

THE STATE OF TEXAS
COUNTY OF HARRIS

IN THE 178 DISTRICT COURT
February TERM, A.D. 19 94

THE STATE OF TEXAS

To the Sheriff of Harris County, Greetings:

YOU ARE HEREBY COMMANDED to deliver forthwith to _____
Gerald Cornelius Eldridge in person, the
accompanying Certified Copy of the list of persons to serve as Veniremen, for the
week beginning February 18, A.D. 19 94 and including persons
summoned as Veniremen for February 18, A.D. 19 94 through
February 18, A.D. 19 94, and being set for trial on the docket
of said Court in Cause No. 9403201 wherein THE STATE OF TEXAS is
Plaintiff and Gerald Cornelius Eldridge
is defendant.

Herein Fail Not, but of this Writ make due return, showing how you have
executed the same.

WITNESS my hand and seal of office, at Houston Texas, this _____ day of
FEB 14 1994, A.D. 19 ____.

KATHERINE TYRA, DISTRICT CLERK
HARRIS COUNTY, TEXAS

By: [Signature], Deputy

SHERIFF'S RETURN

Came to hand 14 day of February, 1994, and executed 14 day of
February, 1994. By delivering to Gerald
Cornelius Eldridge the within named
defendant, a certified copy of Veniremen, accompanying this writ.

Johnny Klevenhagen, Sheriff
Harris County, Texas

By: [Signature], Deputy

KATHERINE TYRA
DISTRICT CLERK
HARRIS COUNTY, TEXAS

04 FEB '94 AM 7:17

BY: [Signature]
DEPUTY

147299844

CAUSE NO. 9403201

THE STATE OF TEXAS
VS. Gerald Eldridge
DEFENDANT

IN THE 178 DISTRICT COURT
OF
HARRIS COUNTY, TEXAS

MOTION FOR PSYCHIATRIC EXAMINATION: SANITY

Now Comes, The State of Texas, by and through it's Assistant District Attorney, and/or the undersigned Attorney for the above-named defendant, and moves this Court to order that the Harris County Forensic Psychiatric Services conduct a psychiatric examination to determine the defendant's sanity at the time of the offense pursuant to Art. 46.03, Texas Code of Criminal Procedure.

The defendant is charged by indictment/information with the felony offense of Capital murder alleged to have been committed on the 5th day of January, 1993.

This motion for an examination is requested for the following reasons;

A defense expert by the name of Dr. Austin said on Feb. 16, 1994 that ~~the~~ based on his examination of the defendant, the defendant is incompetent to stand trial. Dr. Austin also said that he cannot evaluate sanity at this time due to the defendant's incompetency.

Wherefore, premises considered, the State prays that this motion be granted.

Please have Dr. Brown examine the defendant. He is the last psychiatrist who saw him.

ATTORNEY FOR THE DEFENDANT

Elsa Alcala
ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS

2, 16, 94
DATE

FILED
KATHERINE TYRA
District Clerk
FEB 16 1994
Time: 3:45 PM
Harris County, Texas
By [Signature]
Deputy

1472999m

●

OF

I

HARRIS COUNTY, TEXAS

MOTION FOR PSYCHIATRIC EXAMINATION: COMPETENCY

NOW Comes, The State of Texas, by and through it's Assistant District Attorney, and/or the undersigned Attorney for the above-named defendant, and moves this Court to order that the Harris County Forensic Psychiatric Services conduct a psychiatric examination to determine the defendant's present competency to stand trial pursuant to Art. 46.02, Texas Code of Criminal Procedure.

The defendant is charged by indictment/information with the felony offense of Capital murder alleged to have been committed on the 5 day of January, 1993

This motion for an examination is requested for the following reasons;

A defense expert by the name of Dr. Austin said on Feb. 16, 1994 that based on his examination the defendant is incompetent to stand trial. Dr. Austin also said that he cannot evaluate sanity at this time due to D's incompetence.

Wherefore, premises considered, the State prays that this motion be granted.

Please have Dr. Brown examine the defendant. He is the last psychiatrist who saw him. Ex. 11

Elsa Alcalá

~~ATTORNEY FOR THE DEFENDANT~~

**ASSISTANT DISTRICT ATTORNEY
HARRIS COUNTY, TEXAS**

2, 16, 194

DATE _____

F I L E D

KATHERINE TYRA
District Clerk

FEB 16 1994

Time: 3:45 p.
Harris County, Texas

By [Signature]
Deputy

WRIT TO SERVE COPY OF VENIREMEN FOR THE WEEK BEGINNING
FEBRUARY 21, 1994

FILED: FEBRUARY 19, 1994

NO. 9403201

SP# 00651025
16/RN/996
VW

THE STATE OF TEXAS
COUNTY OF HARRIS

IN THE 178 DISTRICT COURT
February TERM, A.D. 1994

THE STATE OF TEXAS

To the Sheriff of Harris County, Greetings:

YOU ARE HEREBY COMMANDED to deliver forthwith to _____
Gerald Cornelius Eldridge in person, the
accompanying Certified Copy of the list of persons to serve as Veniremen, for the
week beginning February 21, A.D. 1994 and including persons
summoned as Veniremen for February 21, A.D. 1994 through
February 25, A.D. 1994, and being set for trial on the docket
of said Court in Cause No. 9403201 wherein THE STATE OF TEXAS is
Plaintiff and Gerald Cornelius Eldridge
is defendant.

Herein Fail Not, but of this Writ make due return, showing how you have
executed the same.

WITNESS my hand and seal of office, at Houston Texas, this _____ day of
FEB 17 1994, A.D. 19____.

KATHERINE TYRA, DISTRICT CLERK
HARRIS COUNTY, TEXAS

By: [Signature], Deputy

SHERIFF'S RETURN

Came to hand 18 day of February, 1994, and executed 18 day of
February, 1994. By delivering to Gerald Cornelius Eldridge

FILED the within named
defendant, a certified copy of Veniremen, accompanying this writ.

DISTRICT CLERK
HARRIS COUNTY, TEXAS

Johnny Klevenhagen, Sheriff
Harris County, Texas

By: [Signature] 1828, Deputy

FILED
DISTRICT CLERK
HARRIS COUNTY, TEXAS
94 FEB 19 PM 1:30
DEPUTY

Competency Evaluation
Gerald C. Eldridge
Page Two

jail. He stated that he was supposed to get married to a woman named Michelle and he indicated that Michelle comes and visits him.

When asked if he has an attorney, Mr. Eldridge stated "somebody asked me that. I don't even know the person." He indicated that he assumes that a man who came to see him the day prior to our evaluation is his attorney. Mr. Eldridge indicated that he is unsure if he needs a lawyer. He stated that his brother, Mike, always takes care of him. When asked what a lawyer would do for him if he is charged with murder, he stated "I don't know that kinda stuff." When asked to describe the role of the District Attorney in the legal proceedings against him, Mr. Eldridge stated "I don't have the slightest idea." When asked to describe the Judge in the legal proceedings against him, Mr. Eldridge stated "we like playing football. They big. They real big. I wish I was that big." He stated that he does not know the role of the Jury in the legal proceedings against him. When asked what might happen to him if he is found guilty of capital murder, Mr. Eldridge stated "If I knew what was going on, I'd be able to answer your questions." He went on to state that he feels better but that his head hurts because of a werewolf that has been chasing him.

On mental status examination, Mr. Eldridge was alert and oriented for person but claimed to be only partially oriented for place and claimed to be disoriented for time. He knew that he was in the city of Houston and knew that he was in jail but claimed that he does not know the name of the jail. When asked the date, he stated "I'm bad on that stuff. Can't keep up with it." He claimed that the year was 1993 or 1994 but that he was unsure which was correct. He claimed to have no idea of the current month. For the most part, Mr. Eldridge's speech was clear, coherent, and goal directed. On one occasion, he began mumbling but when asked by the examiner to repeat what he had said, he denied that he had been saying anything. Mr. Eldridge repeatedly stated that he is confused about what is happening to him. He stated that he does not belong in this world but belongs in another world that no longer exists. He stated that these other worlds have been destroyed by the people who are in jail and he feels that the people in jail are trying to destroy him. He stated that he wants to go to hell so that he can save the world. He indicated that that is why he is in jail. He stated that inside he feels real scared and he commented, "I think you want to attack me so I want to attack you first." Mr. Eldridge's affect was labile. At times, his affect was quite appropriate, at other times he was extremely tearful, and on other occasions he became extremely angry. He started crying and shaking his leg and talking angrily about people who killed his mother and father and who beat him up for no reason. Mr. Eldridge's memory was difficult to evaluate in the context of his particular clinical presentation.

Medical records indicate that Mr. Eldridge was admitted to the Psychiatric Treatment Unit in the Harris County Jail on October 5, 1993 for further observation at the request of this examiner. The jailers on the fifth floor were not reporting any recent problems with Mr. Eldridge at the time of his admission to the unit. He was evaluated by Debra Osterman, M.D. on October 5, 1993 and Dr. Osterman reported that Mr. Eldridge was not complaining of auditory hallucinations. She indicated that no persecutory ideation was expressed and there were no delusions evident. She stated that Mr. Eldridge was dysphoric and was complaining of bad dreams. When evaluated by Michelle Lee-Stokes, M.D. on October 6, 1993, Mr. Eldridge reported vague auditory hallucinations which tell him about things he has done and will do in the future. On October 7, 1993, Mr. Eldridge refused psychological testing, complaining that he cannot read or write. On October 13, 1993, Mr. Eldridge was described as agitated and physically combative. He was threatening staff and others but was described as clear, coherent, goal-directed and oriented. He was also described as verbalizing no auditory or visual hallucinations or delusions. He was described as alert and exhibiting no psychotic symptoms. He was described as having no evidence of an Axis I mental disorder, no evidence of a treatable mental illness, and an Axis II diagnosis of Anti-Social Personality Disorder. Although it was recommended

WRIT TO SERVE COPY OF VENIREMEN FOR THE WEEK BEGINNING
FEBRUARY 28, 1994

GFILED:

16 ne 995110

NO. 9403201

THE STATE OF TEXAS
COUNTY OF HARRIS

IN THE 178 DISTRICT COURT
February TERM, A.D. 19 94

THE STATE OF TEXAS

To the Sheriff of Harris County, Greetings:

YOU ARE HEREBY COMMANDED to deliver forthwith to _____
Gerald Cornelius Eldridge in person, the
accompanying Certified Copy of the list of persons to serve as Veniremen, for the
week beginning February 28, A.D. 19 94 and including persons
summoned as Veniremen for February 28, A.D. 19 94 through
March 4, A.D. 19 94, and being set for trial on the docket
of said Court in Cause No. 9403201 wherein THE STATE OF TEXAS is
Plaintiff and Gerald Cornelius Eldridge
is defendant.

Herein Fail Not, but of this Writ make due return, showing how you have
executed the same.

WITNESS my hand and seal of office, at Houston Texas, this 24th day of
February, A.D. 19 94.

KATHERINE TYRA, DISTRICT CLERK
HARRIS COUNTY, TEXAS

By: [Signature], Deputy

SHERIFF'S RETURN

Came to hand 24 day of Feb, 19 94, and executed 24 day of
Feb, 19 94. By delivering to Gerald C
Eldridge the within named
defendant, a certified copy of Veniremen, accompanying this writ.

Johnny Klevenhagen, Sheriff
Harris County, Texas

By: [Signature], Deputy

Def. Kerrel Cornelius Eldridge
CASE NO. 9403201
In The County Criminal Court at Law No. 178
District Court

"DEFENDANT'S JURY LIST"
THE STATE OF TEXAS
VS. No. 9403201

- 1 Melissa Anne Silms
- 2 Diane Nagurney Bell
- ① 3 Duyen Phuong Nguyen
- 4 Catherine Lopez Brudles
- ② 5 David James Broadway
- ③ 6 Hector M. Cortes
- 7 Frances H. Bogan
- ④ 8 Richard Douglas Baker
- ⑤ 9 Helen Hargrove Mingard
- 10 Arthur Spencer agreed
- 11 Dealdine Jude Boyle
- ~~12 David Edward Brannon~~
- ~~13 Thomas Louis Richter~~
- ⑩ 14 Everett Adrian
- ~~15 Mark Broadway~~
- ~~16 Charles Wayne Powell~~
- ⑪ 17 Robert Benjamin Johnson
- ⑫ 18 Buel Drummond Shastil
- ~~19 Sean Donald Williams~~
- ~~20 Robert Charles Byrce~~
- 21 Yanessa Denell Bruce agreed
- ⑬ 22 Cheryl Welfe
- ~~23 Spidith Rogers Browning~~
- 24 Marjole N. Armstrong agreed
- 25 Harriet E. Babchick agreed
- 26 Timothy Karl Bouchers
- 27 Richard Hugh Sorules
- ~~28 Catherine Marie Barton~~
- ~~29 Dolores Applegate Martin~~
- 30 Kenneth Arthur Jansen
- ~~31 Susan Graham Tholstrup~~
- 32 Anderson Eldridge Byrnam
- 33 Glen Alan Selge agreed
- ⑭ 34 Ruth Connel McNally
- ⑮ 35 Viet Hoa Nguyen
- 36 Humberto F. Caballero agreed

Def. Kerrel Cornelius Eldridge
CASE NO. 9403201
In The County Criminal Court at Law No. 178
District Court

"DEFENDANT'S JURY LIST"
THE STATE OF TEXAS
VS. No. 9403201

- 37 Ozell David Smith, Sr. agreed
- ⑯ 38 José Luis Rodriguez
- 39 Willie Herman Garner
- 40 Bruce Edward Keljford

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36

FILED
KATHERINE TYRA
District Clerk

FEB 28 1994

Time: 3:35 p.m.
Harris County, Texas
By [Signature]
Deputy

the time of the alleged crime because of the Defendant's severe mental decompensation and general disorientation.

V.

Dr. Austin suggests that the Defendant receive anti-psychotic medication to assist him in attaining mental intactness. In prescribing medication for the Defendant, his mental state at the time of the alleged offense may be determined.

VI.

The Defendant will be deprived of assistance of counsel as guaranteed under the Sixth and Fourteenth Amendments to the United States Constitution due to counsel's inability to evaluate the application of the insanity defense to the charge pending against Defendant. In the absence of an expert opinion from this mental health expert as to the Defendant's "sanity" at the time of the alleged offense, Defendant is prejudiced in his defense of this capital murder allegation because he will be unable to question prospective jurors about the insanity defense and its application to the present case. Defendant will be denied due process of law and equal protection of the law under the Fourteenth Amendment to the United States Constitution unless he is given the opportunity to receive necessary anti-psychotic medication which will permit the Defendant's mental health expert to then assess Defendant's mental state at the time of the alleged crime.

VII.

By filing this Motion for Continuance, Defendant is attempting to avert an Eighth Amendment violation under the United States Constitution. Ordering the Defendant to trial (at risk of receiving the death penalty) under the circumstances of this unique case would constitute cruel and unusual punishment prohibited by the Eighth Amendment to the United States

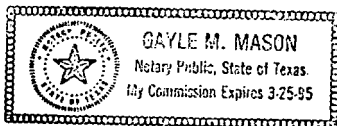
V-1203 P0630


BEFORE ME, the undersigned authority on this day personally appeared Wayne T. Hill
who upon his oath did state:

*"My name is Wayne T. Hill. I am co-counsel for the Defendant in this
matter. I have spoken with Dr. Richard B. Austin and have personal knowledge
of the allegations made herein."*


Wayne T. Hill

SUBSCRIBED AND SWORN TO BEFORE ME the undersigned authority on this 28th
day of February, 1994.




Notary Public in and for
The State of Texas
My Commission Expires: 3-25-95

V1203 P0632

02/16/94 3:47

X

F. and Austin

P.02

RICHARD B. AUSTIN, JR., Ph.D.
SUITE 470
1800 BERING DRIVE
HOUSTON, TEXAS 77057
FAX (713) 780-7730

CLINICAL PSYCHOLOGY

PSYCHOLOGICAL EVALUATION
Cause No. 6531289

(713) 780-7700

NAME: Gerald Eldridge

DATE: February 16, 1994

AGE: 33

DOB: March 14, 1964

PURPOSE OF EVALUATION: Examination of the patient at the Harris County Jail, Houston, Texas to determine mental status, with the permission of the Court.

OBSERVATIONS:

The patient mumbled to himself, did not make eye contact and was incoherent at times. He had "trouble hearing," which may be related to a serious auditory perception problem which makes it difficult for him to process sounds. He does better through the visual sense, as he was able to do simple math when given the visual problem, which he could not do when the problem was just stated to him.

EVALUATION RESULTS:

The patient appears to be disoriented in time and place, and he is vague about where he was brought. He does not know the day of the week, and he apparently has no knowledge of the role of his attorney in any Court proceedings. When asked why he was here (jail), he answered, "I don't know."

V1203 P0634

000118

EXHIBIT "A"

82/16/94 17 8

Richard Austin


P-84

Eldridge, Gerald
Page 3

SUMMARY AND CONCLUSION:

It is my opinion that:

- (1) His mental state at this time is such that he is not competent to understand the issue he is charged with, nor to be able to participate with his attorney in his defense;
- (2) It is not possible to assess at this time his mental state at the time of the alleged crime, because of his severe mental decompensation and general disorientation; and,
- (3) I suggest anti-psychotic medication at this time, to help him attain some mental intactness.


Richard B. Austin, Jr., Ph.D.
Clinical Psychologist

V1203 P0636

CAUSE NO. 9403201 131RM/189

STATE OF TEXAS

VS.

GERALD ELDRIDGE

§
§
§
§
§

IN THE DISTRICT COURT OF VML

HARRIS COUNTY, TEXAS

178TH JUDICIAL DISTRICT

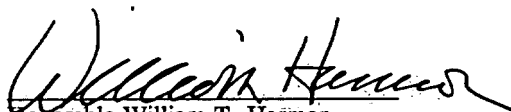
ORDER

ON THIS 11th day of April, 1994, came on to be heard Defendant's

Motion for Continuance. It is the order of this court that the Continuance is (GRANTED)

(DENIED).

SIGNED, this 11 day of April, 1994.



Honorable William T. Harmon

Judge Presiding

178th District Court

Harris County, Texas

V1203 P0688

THE STATE OF TEXAS § IN THE 178TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
GERALD ELDRIDGE § FEBRUARY TERM, A. D., 1994

Members of the Jury

The defendant, Gerald Eldridge, stands charged with a felony criminal offense. A written motion has been filed in this cause asserting that the defendant is not presently competent to stand trial.

Our law provides that no person who is incompetent to stand trial for the alleged commission of an offense shall be tried for the alleged offense while in such condition.

Every person is presumed to be competent until the contrary is shown by a preponderance of the evidence.

To establish incompetency to stand trial at the present time it must be established by a preponderance of the evidence that the defendant does not have:

- (1) sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding; or
- (2) a rational as well as factual understanding of the proceedings against him.

In this case the burden of proof is by a preponderance of the evidence, and that burden rests on the defendant. By the term "preponderance of the evidence" is meant the greater weight of the credible evidence.

Our law provides that a defendant may testify in his own behalf. This, however, is a right accorded a defendant, and in the event he does not testify, that fact cannot be taken as a circumstance against him.

In this case, the defendant has not testified and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

William T. Harmon

William T. Harmon, Judge
178th District Court
Harris, County, TEXAS

REQUEST OF THE JURORS

FILED: MARCH 3, 1994

9403201
178th

~~Identification of how many times~~

Commissary Record.

Dr. Austin Reports

Dr. Brown ✓

Dr. Silverman ✓

Richard D. Baker

FILED

KATHERINE TYRA
District Clerk

MAR - 3 1994

Time: 11:40 AM
Harris County, Texas
By: [Signature]
Deputy

000128